

REMARKS

This responds to the Office Action mailed on March 12, 2009. Claims 1, 11, 16, 22, and 41 are amended, claims 6 and 15 are canceled, and no claims are added; as a result, claims 1-4, 7, 9-11, 14, 16, 17, 20, 22-25, 41-42, and 44-46 are now pending in this application.

Formal Matters

In the previous office action the Examiner withdrew the previous election restriction and re-joined claims 3-4, 6, 8, 15, 19, 21, 26-29 and 45. The amendment filed December 18, 2008 did not have the proper status identifiers listed. Applicant has amended the status identifiers as suggested to reflect the rejoinder of previously withdrawn claims.

Claim Objections

Claim 15 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 15 is cancelled in the present response. The objection is therefore moot.

Double Patenting Rejections

Several claims were rejected under a non-statutory double patenting rejection, specifically as being unpatentable over claims 1-12, 14-18 and 20-22 of U.S. Patent No. 7,303,637 in view of Jackson et al (U.S. 5,013,366).

Applicant does not admit that the claims are obvious in view of U.S. Patent No. 7,303,637. However, a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b)(iv) is enclosed herewith to obviate these rejections.

§ 112 Rejection of the Claims

Claim 6 was rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. Claim 6 is cancelled in the present response. The 35 U.S.C. § 112, first paragraph is therefore moot.

Claims 1-4, 6-7, 9-11, 14-15, 22-25, 41-42 and 44-46 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection states that the claims do not clearly

point out what step the brushing is done concurrently with. Applicant has amended independent claims 1, 11, 22, and 41 to recite “concurrently brushing the semiconductor surface with the gas bubble formation.” Reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph are respectfully requested.

Claims 2-4, 6-7, 9-10, 14-15, 23-25, 42 and 44-46 were rejected as being dependent upon a rejected base claim. Applicant respectfully submits that independent claims 1, 11, 22, and 41 are in condition for allowance. Reconsideration and withdrawal of dependent claim rejections are respectfully requested.

§ 103 Rejection of the Claims

Claims 16, 17, and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over Jackson et al. (U.S. 5,013,366; hereinafter “Jackson”) in view of Tipton et al. (U.S. 6,800,142; hereinafter “Tipton”), and further in view of Beaudoin (U.S. Publication No. 2003/0228738).

Applicant is unable to find in Jackson, Tipton, or Beaudoin, or any combination thereof, a teaching of providing supplemental mechanical energy at the semiconductor surface in addition to the gas bubbles, including concurrently brushing the semiconductor surface with the gas bubble formation. Claim 16 has been amended to include such a recitation.

Because the cited references, either alone or in combination, do not show every element of Applicant’s independent claims, a 35 USC §103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to independent claim 16. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 17 and 20 that depend from claim 16.

Allowable Subject Matter

Claims 1-4, 7, 9-11, 14, 22-25, 41-42 and 44-46 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 set forth in the Office Action as well as the rejections on the ground of nonstatutory obviousness-type double patenting by filing a terminal disclaimer over 7,303,637, as set forth in the Office Action. Applicant has rewritten selected independent claims, and it is respectfully submitted that the claims as amended are sufficient under 35 U.S.C. § 112. A terminal disclaimer over 7,303,637 is also included.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6944 to facilitate prosecution of this application.

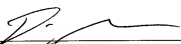
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 6-12-09

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of June, 2009.

Name

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Signature

